ATTORNEY DOCKET NO. 10021118-1

AGILENT TECHNOLOGIES, INC. Legal Department, DL429 Intellectual Property Administration P. O. Box 7599 Loveland, Colorado 80537-0599

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Robert M. R. Neff

Serial No.:

10/616,794

Examiner: DANG, T. O.

谢ling Date: July 10, 2003

Group Art Unit: 2823

Title: TUNABLE DIFFERENTIAL TRANSCONDUCTOR AND ADJUSTMENT METHOD

COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria VA 22313-1450

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Sir:												
ransmitted he	rewith is/are the follo	wing in the	above	e-identifie	d applic	atio	n:					
Response/Amendment				Petition to extend time to respond								
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Other:			(Fee \$)									
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					Respectfully submitted,							
	t this correspondence is b				Ву		ert M. R	P	///	h	, 	
vith the United States Postal Service as First class mail in an invelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.						Frank C. Nicholas Attorney/Agent for Applicant(s)						
ate of Deposit: January 27, 2005						Reg. No. 33,983						

Typed Name: FRANK C. NICHOLAS (33,983)

Date: January 27, 2005

Telephone No. 847-905-7111

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FRANK C. NICHOLAS (33,983)

P Ename of applicant, assignee or registered representative

Signature

January 27, 2005

Date of Signature

PATENT Case No. 10021118-1 (8750/22)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ROBERT M. R. NEFF)
Serial No.: 10/616,794) Group Art Unit No.: 2823
Filing Date: JULY 10, 2003)
Title: TUNABLE DIFFERENTIAL TRANSCONDUCTOR AND ADJUSTMENT METHOD	Examiner: DANG, T. O.

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT DATED DECEMBER 28, 2004

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

This is in response to an Election/Restriction Requirement dated December 28, 2004. The Applicant respectfully traverses and requests reconsideration of the election/restriction requirement. Should the Examiner maintain the election/restriction requirement, the Applicant elects claims 1-13. The Applicant wishes to thank the Examiner for reconsideration of the earlier election/restriction requirement.

July 22, 2003

Case No.: 10021118-1 (8750/22)

Serial No.: 10/616,794 Filed: July 10, 2003

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Claims 1-13 drawn to a tunable differential transconductor (Group I) and claims 14-24 drawn to a method for tuning a differential transconductor (Group II) are not distinct such that a restriction for examination purposes is proper.

The Applicant respectfully submits that the Examiner errs in finding that the product as claimed can be used in a materially different process of using that product, as required to support the conclusion that the groups are distinct under MPEP §806.05(h). The Examiner provides the example of using the transconductor of the Group I invention in a process of varying the gain of an amplifier system for radio frequency signals. This is not a "materially different process," but an application of the process as claimed. The exemplary use would require the Group II process of changing the effective channel dimension of at least one of the composite FETs of the transconductor to vary the amplifier system gain. Therefore, the exemplary use is not a "materially different process" showing that the groups are distinct under MPEP §806.05(h), but an application of the same process.

Reconsideration of the election/restriction requirement is respectfully requested in light of the remarks herein. Should the Examiner maintain the election/restriction requirement, the Applicant elects claims 1-13.

Dated: **January 27, 2005**

Respectfully submitted, Robert M. R. Neff

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FRANK C. NICHOLAS Registration No. (33,983) Attorney for Applicant